

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON
YAKIMA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

YAKIMA COUNTY; CORKY MATTINGLY
Yakima County Auditor;
JIM LEWIS, RONALD GAMACHE,
and JESSE PALACIOS,
County Commissioners.

Defendants.

CV-04-3072-LRS

CIVIL NO.

COMPLAINT

The United States of America, Plaintiff herein, alleges:

1. The Attorney General files this action pursuant to Section 203 of the Voting Rights Act of 1965 ("Section 203"), as amended, 42 U.S.C. § 1973aa-1a, 42 U.S.C. § 1973aa-2, and 28 U.S.C. § 2201.

2. This Court has jurisdiction of this action pursuant to 28 U.S.C. § 1345 and 42 U.S.C. § 1973aa-2. In accordance with the provisions of 28 U.S.C. § 2284, the Section 203 claim must be heard and determined by a court of three judges.

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1 3. Defendant YAKIMA COUNTY, is a political and geographical subdivision
2 of the State of Washington and exists as a charter county, organized pursuant to the
3 laws of Washington.

4 4. Defendant CORKY MATTINGLY serves as Yakima County Auditor. As
5 Yakima County Auditor, she is responsible for the administration of elections and
6 voting procedures in Yakima County. Defendant MATTINGLY resides in Yakima
7 County and is sued in her official capacity.

8 5. Defendants JIM LEWIS, RONALD GAMACHE, and JESSE PALACIOS
9 serve as County Commissioners of Yakima County. The Board of County
10 Commissioners is the county's legislative body and is responsible for establishing
11 county policies and the overall administration of the Yakima County government,
12 including but not limited to funding of the office of the Auditor, personnel, and
13 supplies. Defendants Lewis, Gamache, and Palacios reside in Yakima County and
14 are sued in their official capacities.

15 6. According to the 2000 Census:

16 a. Yakima County has a total population of 222,581, of whom 142,676
17 (64.1%) are non-Latino and 79,905 (35.9%) are Latino;

18 b. Yakima County's total voting-age population is 151,830 persons, of
19 whom 107,457 (70.8%) are non-Latino and 44,373 (29.2%) are Latino;

1 c. Yakima County's total citizen voting age population is 129,575 of
2 whom 23,325 (18.0%) are Latino. Of Latino voting age citizens, 6,950
3 (29.8%) have limited English proficiency; and

4 d. Spanish heritage citizens of voting age with limited English
5 proficiency constitute 5.4% of the county's total voting age citizen
6 population.

7 7. Defendant Yakima County is subject to the requirements of Section 203 for
8 the Spanish language, as designated by the Director of the Census. See 28 C.F.R. §
9 55, Appendix. The Director determined that more than five (5) percent of Yakima
10 County's voting age citizens are members of a single language minority group
11 (Spanish heritage) who do not speak or understand English well enough to
12 participate in the English-language election process and have an illiteracy rate that is
13 higher than the national illiteracy rate. 28 C.F.R. § 55.5. The Census Bureau's
14 determination that Yakima County is covered by Section 203 for Spanish is final and
15 non-reviewable. 42 U.S.C. § 1973aa-1a(b)(4).

16 8. Because Yakima County is subject to the requirements of Section 203,
17 "any registration or voting notices, forms, instructions, assistance, or other materials
18 or information relating to the electoral process, including ballots" that Defendants
19 provide in English must also be furnished in Spanish. 42 U.S.C. § 1973aa-1a.

1 9. Defendants have not provided effective election-related materials,
2 information, and/or assistance in Spanish to limited English proficient Latino citizens
3 as required by Section 203. Specifically, Defendants have:

4 a. Failed to provide complete and accurate Spanish translations of all
5 materials produced in English and provided to the public, including, but
6 not limited to, information about voter registration, candidate
7 qualification procedures, voting by mail or absentee, voting at the polls,
8 and voting-related information on the Yakima County Auditor's Internet
9 site;

10 b. Failed to provide effective Spanish-language assistance at county
11 offices and polling places regarding election-related issues;

12 c. Failed to publish Spanish-language materials in a timely fashion; and

13 d. Failed to publish Spanish language materials and information about
14 Spanish-language assistance in a manner accessible to limited English
15 proficient Spanish-speaking voters.

16 10. Defendants' failure to provide Spanish-language election information and
17 assistance constitutes a violation of Section 203.

18 11. Unless enjoined by this Court, Defendants will continue to violate
19 Section 203 by failing to provide Spanish-language minority citizens of Yakima

County with Spanish-language election information and assistance necessary for their effective political participation.

PRAYER FOR RELIEF

WHEREFORE, the United States of America prays that this Court enter an order:

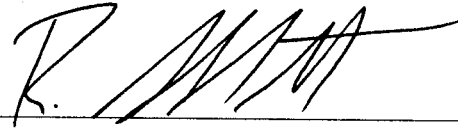
1. Declaring that Defendants have failed to provide Spanish-language election information and assistance necessary to those who require it in violation of Section 203;
2. Enjoining Defendants, their employees, agents and successors in office, and all persons acting in concert with them, from failing to provide Spanish-language election information and assistance to persons with limited English proficiency as required by Section 203;
3. Ordering Defendants to devise and implement a remedial plan to ensure that Spanish-speaking citizens are able to participate in all phases of the electoral process as required by Section 203 for all future elections;
4. Authorizing the appointment of federal examiners for elections held in Yakima County pursuant to Section 3(a) of the Voting Rights Act, 42 U.S.C. § 1973a(a), through December 31, 2006.

Plaintiff further prays that this Court order such additional relief as the

interests of justice may require, together with the costs and disbursements in
maintaining this action.

Dated: July 6, 2004

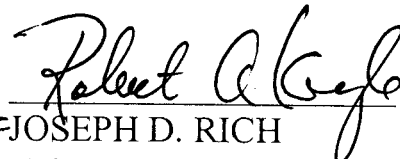
JOHN D. ASHCROFT
Attorney General



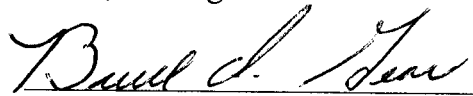
R. ALEXANDER ACOSTA
Assistant Attorney General



JAMES A. McDEVITT
United States Attorney
WILLIAM A. BEATTY
Assistant United States Attorney
Chief, Civil Division
Eastern District of Washington
920 West Riverside Avenue # 300
Spokane, WA 99201-1494



JOSEPH D. RICH
Chief, Voting Section



JOHN TANNER
Special Litigation Counsel
BRUCE I. GEAR
ANA HENDERSON
Attorneys, Voting Section
Civil Rights Division -NWB
U.S. Department of Justice
950 Pennsylvania Ave., N.W.
Washington, D.C. 20530
(202) 353-0419

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3
4
5 R. ALEXANDER ACOSTA
6 Assistant Attorney General
7 Civil Rights Division
8 JOSEPH D. RICH
9 Chief
10 JOHN TANNER
11 BRUCE I. GEAR
12 ANA HENDERSON
13 Attorneys
14 Voting Section
15 Civil Rights Division
16 United States Department of Justice
17 950 Pennsylvania Ave, N.W. - NWB Ste. 7201
18 Washington, D.C. 20530
19 202-353-0419
20
21 JAMES A. McDEVITT
22 United States Attorney
23 WILLIAM A. BEATTY
24 Assistant United States Attorney
25 Chief, Civil Division
26 Eastern District of Washington
27 920 West Riverside Avenue # 340
28 Spokane, WA 99201-1494
29 (509) 353-2767
30
31
32
33
34
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